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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD

Situation of human rights in Turkmenistan

Note by the secretariat

1. At its fifty-ninth session, the Commission on Human Rights adopted resolution 2003/11 on the situation of human rights in Turkmenistan. This note is intended to inform the Commission on Human Rights about developments that have taken place in relation to the implementation of the resolution, in as far as they relate to the Office of the High Commissioner for Human Rights (OHCHR) the special procedures of the Commission and the human rights treaty bodies.

I. DEVELOPMENT OF A CONSTRUCTIVE DIALOGUE WITH THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

2. In paragraph 5 (g) of the resolution, the Commission called upon the Government of Turkmenistan to develop a constructive dialogue with the United Nations High Commissioner for Human Rights and his Office.

3. In line with standard policy and practice developed pursuant to General Assembly resolution 926 (X) of 14 December 1955 establishing the United Nations programme of advisory services and technical cooperation in the field of human rights, several forms of assistance in the area of human rights are at the disposal of Member States and could be made available at their request. Since its establishment, and in accordance with its mandate as established by the General Assembly in resolution 48/141 of 20 December 1993, OHCHR has provided advisory services and technical cooperation to over 50 countries.

4. The Deputy High Commissioner for Human Rights addressed a letter to the Minister for Foreign Affairs of Turkmenistan in which he drew the attention of the Government of Turkmenistan to the resolution and in particular to the Commission's call upon the Government to develop a constructive dialogue with the United Nations High Commissioner for Human Rights and his Office. He suggested that the Office send a representative to Turkmenistan to discuss this matter.

5. Following subsequent correspondence between the Acting High Commissioner for Human Rights and the Minister for Foreign Affairs of Turkmenistan (in July and in August 2003), in October 2003, the Minister for Foreign Affairs of Turkmenistan, addressed a letter jointly to the Under-Secretary-General for Political Affairs and to the Acting High Commissioner for Human Rights stating, inter alia, Turkmenistan's readiness to receive a delegation of experts from OHCHR to discuss the issues related to providing technical assistance in the area of human rights with relevant Turkmen institutions.

6. A letter from the Minister for Foreign Affairs of Turkmenistan dated 9 February 2004 addressed to the Acting High Commissioner for Human Rights stated that a needs assessment mission to discuss possible cooperation in the area of human rights was acceptable for the time proposed by OHCHR, with the participation of a representative of the Department of Political Affairs of the secretariat and a representative of the United Nations Development Programme Regional Bureau for Europe and the Commonwealth of Independent States.

7. In preparation for the needs assessment mission, and in line with the request by the Commission in paragraph 8 of its resolution 2003/11 that the Secretary-General bring the resolution to the attention of all relevant parts of the United Nations system, in October 2003, OHCHR organized a one-day information-sharing meeting with the participation of relevant United Nations agencies and relevant international and regional organizations.

II. SPECIAL PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS

8. In paragraph 5 (h) of the resolution the Commission called upon the Government of Turkmenistan to cooperate fully with all the mechanisms of the Commission on Human Rights, including the Special Rapporteurs on the independence of judges and lawyers, on the question of torture, on extrajudicial, summary and arbitrary executions, on freedom of opinion and expression, and on freedom of religion and belief, as well as the Working Group on Arbitrary Detention and the Special Representatives of the Secretary-General on internally displaced persons and on the situation of human rights defenders, including by issuing invitations to visit the country. In paragraph 7, the Commission called upon those special procedures to seek invitations from the Government of Turkmenistan to visit the country.

9. To date, the following special procedures of the Commission on Human Rights have requested invitations to visit the country: the Special Rapporteur on the independence of judges and lawyers, in June 2003 (see E/CN.4/2004/60/Add.1); the Special Rapporteur on the question of torture, in July 2003 (see E/CN.4/2004/56); the Special Rapporteur on extrajudicial, summary and arbitrary executions, in June 2003 (see E/CN.4/2004/7); the Special Rapporteur on freedom of opinion and expression, in June 2003 (see E/CN.4/2004/62); and the Special Rapporteur on freedom of religion and belief, in June 2003 (see E/CN.4/2004/63). The Representative of the Secretary-General on internally displaced persons requested an invitation in October 2003

(see E/CN.4/2004/77); the Special Representative of the Secretary-General on human rights defenders did so in October 2003 (see E/CN.4/2004/94); and the Working Group on Arbitrary Detention requested an invitation to visit the country in February 2004. The Special Rapporteur on the independence of judges and lawyers renewed his request to visit the country in January 2004 (see E/CN.4/2004/60/Add.1); as did the Special Rapporteur on torture in October 2003 (see E/CN.4/2004/56/Add.1).

10. By letters dated 11 June and 20 June 2003, the Permanent Representative of Turkmenistan to the United Nations requested further information on how country visits by the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on extrajudicial, summary or arbitrary executions take place. Replies were sent to the Permanent Representative, providing information on the terms of reference of these mandates.

11. To date, none of the above-mentioned mechanisms of the Commission on Human Rights has received an invitation to visit the country.

III. REPORTING TO TREATY BODIES AND FULL IMPLEMENTATION OF THEIR RECOMMENDATIONS

12. In paragraph 5 (i) of the resolution the Commission called upon the Government of Turkmenistan to submit reports to all relevant United Nations treaty bodies and to ensure full implementation of their recommendations.

13. To date, Turkmenistan has not submitted any report to the United Nations treaty bodies under the United Nations human rights instruments it has signed and ratified.[1] Turkmenistan has been overdue in its reporting obligations to the Committee on the Rights of the Child since 1995; to the Committee on the Elimination of Racial Discrimination (CERD) since 1995; to the Human Rights Committee since 1998; to the Committee on the Elimination of Discrimination against Women since 1998; to the Committee on Economic, Social and Cultural Rights since 1999; and to the Committee against Torture since 2000.

14. In accordance with the decision[2] taken by CERD at its forty-ninth session that States parties whose initial reports were excessively overdue by five years or more would be scheduled for a review of implementation of the provisions of the Convention and that in the absence of an initial report the Committee would consider, inter alia, reports and information prepared by organs of the United Nations, and relevant information from other sources including from non-governmental organizations, in May 2002, the Committee reviewed the implementation of the Convention by Turkmenistan. In the absence of a report from the Government, the Committee's review was based on a variety of materials from both intergovernmental and non-governmental sources. The Committee adopted concluding observations and recommendations (CERD/C/60/CO/15), in which the Committee urged the Government of Turkmenistan to avail itself of the technical assistance offered under the advisory services and technical assistance programme of the Office of the United Nations High Commissioner for Human Rights (para. 7).

Notes

[1] Convention on the Rights of the Child (1993); International Convention on the Elimination of All Forms of Racial Discrimination (1994); International Covenant on Civil and Political Rights (1997); International Covenant on Economic, Social, and Cultural Rights (1997); Convention on the Elimination of All Forms of Discrimination against Women (1997); Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1999).

[2] Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 18 (A/56/18), paras. 466-470.

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